



RAF / RABS

UPDATE FROM PARLIAMENT

The Portfolio Committees of the 6th Parliament is now in full swing. It is early days and most still need to finalise workplans for 2019. They have been busy with budget issues and Annual Performance Plan presentations by their respective State Departments and relevant State Agencies. The Portfolio Committee on Transport (PCoT) had two meetings with the RAF on the agenda.



APRAV attended the PCoT meetings on 20 Aug and 3 Sep 2019

PCoT meeting - 20 August 2019

Recapping from previous feedback:

- The new chairperson Mosebenzi Zwane conducted the meeting in a focused and professional manner.
- The tone of the meeting was amicable.
- There was no mention of the lapsed RABS (Road Accident Benefit Scheme) Bill.

APRAV agreed with concerns raised by ANC members:

- Why the high expenditure on non-core RAF business issues?
- Concern about the RAF's Direct Claims soliciting.

Detailed Minutes of the meeting has since been published. Key points are:

- Mr Alec Moemi's was appointment Director General (DG) and will be following the Minister's approach of only fixing what needs fixing.
- He was the DG in the Department of Sport for seven and a half years and part of the fourth, fifth and now sixth administration.
- The Department of Transport (DOT) upped the stakes and just like the Committee, is striving for excellence.
- The DG provided more detail on the seven Budget Programmes of the DOT: 1- Administration; 2-Integrated Transport Planning; 3-Rail Transport; 4-Road Transport; 5-Civil Aviation; 6-Maritime Transport and 7-Public Transport.
- RABS was not mentioned in any of these programmes!

Minutes of the meeting - <https://www.aprav.co.za/whats-on-in-parliament/>

Comment:

It is very telling is how low-key the Department currently 'deals' with RABS, although they are the main driving force to replace the current RAF Act with the RABS Bill. In Parliament they are silent (avoiding raising RABS at all) but in practice they are supporting hundreds of millions of Rands to be spent on RABS propaganda and 'paving the way' within the current RAF system, for RABS!? They seemingly do not care that Parliament has not yet approved RABS but are forcing ahead as if it has been approved. The newly appointed Minister and

Deputy-Minister are in the same WhatsApp group... so much for democracy and the rule of law.

PCoT meeting - 3 September 2019

The RAF presented the Annual Performance Plan 2019/2020 - Agenda:

- Background.
- Mandate
- Business Model
- Organisational Structure
- Performance Information
- Alignment to the 7 Apex Areas
- Strategic Objectives & RAF'S Project
- Financial Status
- Challenges and Mitigation

Senior Officials from the DOT, The RAF Board Chairperson, Acting CEO, Acting COO and the CFO attended, although the meeting started without most of these - since most of them were late.

The transition from RAF to RABS featured strongly throughout the presentation.

Again we can simply ask how a State Department have a Business Strategy,

Performance Plan and allocate millions of Rands to a Bill that that:

-failed three times to move past a 'second reading' in Parliament

-has never been to the NCOP and

-not considered by the Office of the President where it would take months to be signed into a law!

The DOT and the RAF clearly do not recognise Parliament and the legislative processes, hence acting as if RABS is law and plan, work and spend tax payers money accordingly.

As every year before, the RAF Officials were very complimentary about their own performance and blamed their financial predicaments on the fact that it is because they settle claims so fast that they run out of money....PLEASE!

Officials were silent on RABS, although it featured significantly in their documentation.

Find the presentation of the Plan [here](#)

The meeting concluded with a strong message from the Chairperson:

“The Chairperson thanked the RAF for their presentation. He expressed that the Committee would appreciate it if the Department could be on time and to have all the relevant members present for future meetings. He emphasized that time management was very important. He expressed that the Committee did not want to feel they were being disrespected by anyone and emphasised that the Department would have to be more honest with the Portfolio Committee. He then urged the Board to finalise the appointments of those vacant posts and suggested that they improve their expenses for legal fees. He also highlighted that RAF’s claim system was tedious and that it needed to be addressed with urgency. Lastly, he urged that when next the RAF or the DoT were presenting, they should bring all the necessary information to help them make more informed decisions.”

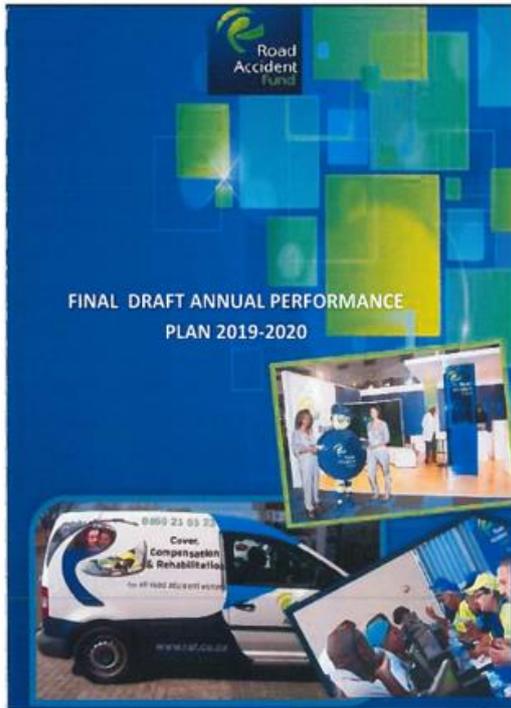
There are no RAF or RABS related items on the PCoT agenda for the next few weeks.

APRAV monitors this a continuously and will attend relevant Portfolio Committee meetings.

MAJOR POSITIVE DEVELOPMENT

The ANC Acting Portfolio Committee Chairperson, MP Macdonald, requested APRAV to provide him with a briefing on the RABS process during the 5th parliament, as well as a briefing on the current RAF problem areas and possible solutions. We are about to provide this and will make it available to all.

This is the 1st ANC PoCT Member, showing any interest in the facts and how to ‘fix’ the current RAF system!



RAF 7 Pillars		p8
Pillars	Outcome indicators	
Efficient Claims Processing	<ul style="list-style-type: none"> • Manage the number of outstanding claims • Increased efficiency of claims processing • Improved claims fraud detection • Improved direct claims management • Improved claims litigation • Improved post-crash care management 	
Accessible Services	<ul style="list-style-type: none"> • Promote RAF services through outreach programmes and other events • Improved Call Centre responsiveness 	
Effective Financial Management/Health	<ul style="list-style-type: none"> • Effective cash flow management • Improved procurement outcomes 	
Optimal ICT Services	<ul style="list-style-type: none"> • Ensured optimal ICT service availability • Implemented Five-year ICT Strategy 	
Improve People Management	<ul style="list-style-type: none"> • Optimised organisational performance • Maintained RAF's contribution towards government's social and economic agenda • Contribute to government priority of youth unemployment 	
RAF Transformation	<ul style="list-style-type: none"> • Transform RAF to RABS 	
Assured Control Environment	<ul style="list-style-type: none"> • Raised ethical standards • Improved Combined Assurance outcomes 	

Portfolio Committee on Justice and Correctional Services:

- Several Justice Portfolio Committee Members have been briefed on the infamous Practice Directive 2 of 2019 (Gauteng High Court Divisions North & South).
- A commitment was given to "put it on the Committee's agenda".
- These Members of this Portfolio Committee also plan to request an urgent Parliamentary oversight visit to the North Gauteng High court, to investigate the severe negative impact on the public's right to access to the courts first-hand.
- It is important that this matter is now not limited to the benches of these courts anymore.
- APRAV will also start establishing other key RAF/RABS related Judicial issues, as part of this Committee's focus and agenda.
- Similar to the Portfolio Committee on Transport (PoCT), APRAV now monitors the workings of this Committee regularly and will attend all Portfolio Committee meetings on Justice, where any point relevant to RAF or RABS serves on an agenda.
- APRAV has now expanded the RAF and RABS issue to this Portfolio Committee.

- The annual Office of the Chief Justice's Portfolio Committee meeting will be in October and APRAV will attend to ensure that key Members of this Committee are fully prepared.

Parliament General Assembly:

- The General Assembly is not fully operational yet and a detailed plan for the remainder of 2019 is not available yet.
- Order Papers (daily Parliament agenda) with the week's programme are usually published on a Monday or even Tuesday mornings only.
- Q1 of the 6th Parliament in 2019 has been a low-key affair when it comes to law-making.
- The official status of the RABS bill is that it lapsed in December 2018.
- However: a simple General Assembly majority can 'revive' the RABS Bill again (201 votes needed).
- Three very important steps for the RABS Bill to progress in any way from where it was 'defeated' late last year in Parliament:
 - The ANC could not secure a majority on three attempts late last year and are now even fewer MP's in Parliament.
 - The opposition parties are as united as late last year on their resolve to not allow the RABS Bill to pass in the General Assembly. APRAV has already had alignment meetings with all key opposition parties.
 - The previous Portfolio Committee Chairperson, ANC Chief WIP and the Speaker must still answer to a review case in the Cape High Court on the DA's application to have their Minority Report on the RABS Bill included in the formal record of the PoCT Report on the RABS Bill (not just only the 1.5 pages of nonsense previously included by the ANC on this Committee).

APRAV monitors daily and weekly agendas (Order Papers) and will attend any National Assembly session where an item of relevance to the RAF or RABS features. Our value add is not in this monitoring, but the fact that we then make sure key MP's

are updated and briefed on the latest RAF or RABS developments and that the necessary and tough questions are asked and must be answered within 30 days in writing.

The Minister and Department of Transport and the RAF, cannot say a word in Parliament, without being checked and countered.

Other relevant Portfolio Committees:

APRAV also monitors the agendas and activities of the Committees on Health, Social Development, Finance and Trade & Industry regularly.

We will, at the opportune time, submit RAF/RABS briefings to these members and establish the issues pertaining to the scope of these Committees.

Parliamentary Monitoring Group:

APRAV subscribed and now has quick access to agendas, minutes and relevant documents.

Possible scenarios that can develop with RABS

We covered this previously, but how we see the possible scenarios is worth repeating.

•**Scenario 1:** The ANC obtains a majority on the Second Reading of the RABS Bill: It is referred to the NCOP for ratification (mere rubber stamp) and then submitted to the President for final consideration. The President considers whether the tagging of the RABS Bill is correct (it is not!), does it comply with the Constitution (it does not!) and if it is affordable (it is not!). APRAV makes submissions to the President during this period and ensures that he is well informed.

•**Scenario 2:** The DA Review Application to have their Minority Report included, is successful. The RABS Bill is referred back to the Portfolio Committee to debate and adopt a 'new' RABS PoCT Report – this time including all the DA arguments against the Bill. Both documents are resubmitted to the National Assembly. MP's cannot plead that they are not aware of all the RABS flaws, which makes it more difficult to simply push it through. It also makes it very difficult for the President to simply approve the Bill, knowing about all the controversy.

- Scenario 3:** The President disagrees with the tagging and requests it be changed to a Section 76 or 77 Bill. It goes back to square one and the whole 'RABS' process must start from scratch, wiping out all the development of the past five years.
- Scenario 4:** The President is dissatisfied with the funding model and refers it back to the PoCT. Treasury then has a major say on whether RABS proceed or not. The PoCT must re-debate the funding of RABS and then issue a revised report. Only then can a Second Reading take place. If unsuccessful, it goes back to the President.
- Scenario 5:** The President is dissatisfied with the constitutionality of RABS and refers it back to the PoCT. State Law advisors then have a major say on whether it proceeds or not. The PoCT must re-debate and issue a revised report before it can proceed to a Second Reading. And if successful it goes back to the President.
- Scenario 6:** The PoCT withdraws the RABS Bill and proposes a 'new' bill.
- Scenario 7:** RABS Bill becomes a law but is tied up in courts for years to come.
- Scenario 8:** Government supports a RAF rescue plan. A new set of Regulations is approved to facilitate industry transformation within the current RAF system.

This list is not exhaustive...

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